

### REMARKS

Claims 1-10 and 12-40 are pending in this application.

Claims 1-10, 12-20, 23 and 39 are rejected.

Applicant thanks the examiner for recognizing that claims 21, 22, 24-38 and 40 contain allowable subject matter and these dependent claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant has amended claims as presented in the listing of claims placing all pending claims in allowable form. Applicant has amended claims 1, 6, 9, 24 and 34-39 have been amended and canceled claims 8, 22, 23 and 40. Also, new claims 41-46 have been added which are also allowable. These amendments are discussed in more detail below.

Applicant thanks the examiner for the courtesies extended to Applicant's representative, Won Joon Kouh (Reg. No. 42,763), during the telephonic interview held on October 31, 2006 considering Applicant's then proposed amendments to the claims. During the interview, all amendments submitted herein were presented to the examiner and the examiner agreed that the amendments would place the claims in allowable form.

After entry of the amendments submitted herein, claims 1-7, 9, 10, 12-21, 24-39 and 41-46 remain pending.

#### **Objection to the specification**

The examiner objects to the disclosure because it does not support the claimed subject matter for claim 22. This objection is traversed.

The subject matter of claim 22 is directed to the fastening system recited in claim 1 comprising "an anchoring portion for anchoring the fastening system to the cementitious mixture filling the internal cavity." Such structure is fully supported by the disclosure of the originally filed specification, for example, at paragraph [0042] and FIGs. 8A and 8B. Referring to the structures illustrated in FIGs. 8A and 8B, paragraph [0042] states:

[a]nother example of a fastening system for the telescoping pier foundation system **100** may be a clamp that may be clamped to the building floor I-beam **80** on one end and anchored to the cementitious mixture filling the internal cavity **12** on the other end. . . . An anchoring rod portion **78c** is provided on the underside of the bottom plate **78b** for anchoring the fastening device **78** to the cementitious

mixture filling the internal cavity 12 of the pier foundation system outer shell. The anchoring rod portion 78c extends into the internal cavity 12 through the top end opening 42 of the telescoping member 40 when installed. . . .

Thus, the disclosure of the specification as originally filed provides full support for the subject matter of claim 22. Withdrawal of this objection is kindly requested.

#### **Claim Rejections Under 35 U.S.C. § 102**

The examiner rejects claims 1-4, 12-13, 15, 17, 19 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 4,185,940 to Spies ("Spies").

In view of the amendment made to the independent claim 1 incorporating the allowable subject matter from the dependent claim 22, and cancellation of claim 23, these rejections are moot.

#### **Claim Rejections Under 35 U.S.C. § 103**

The examiner rejects claims 5, 14, 16, 18, 20 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Spies.

In view of the amendments made to the independent claims 1 and 39 in which the allowable subject matter from the dependent claim 22 has been incorporated into claim 1 and the allowable subject matter from the dependent claim 40 has been incorporated into claim 39, these rejections are moot.

#### **Allowable Subject Matter**

The examiner notes that claims 21, 22, 24-38 and 40 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended the claims as shown in the listing of claims and discussed below, thus placing this application in allowable form.

Claim 1 has been amended to incorporate the allowable subject matter of claim 22, thus, effectively rewriting claim 22 in independent form. Claim 1 is, thus, allowable. In turn, claim 22 has been canceled.

Claim 24 has been rewritten in independent form incorporating all of the limitations of its parent claim 23. Thus, claim 24 is allowable. In turn, claim 23 has been canceled.

Claim 39 has been amended to incorporate the allowable subject matter of the dependent claim 40, thus, effectively rewriting claim 40 in independent form. Claim 39 is, thus, allowable. In turn, claim 40 has been canceled.

New claim 41 depends from claim 39 and recites the use of a fastening system that connects directly to the telescoping member to secure the telescoping member to the structural member of the building. The support for this claim can be found, for example, at paragraph [0040] and FIG. 7 of the originally filed specification. No new matter has been added. Thus new claim 41 is allowable.

New independent claim 42 has been added which is the allowable subject matter of claim 21 rewritten in independent form incorporating the limitations of its parent claim 1 and the intervening claim 12. Thus, new claim 42 is allowable.

New independent claim 43 has been added which is the allowable subject matter of claim 24 incorporated into as previously amended claim 1. Thus, new claim 43 is allowable.

New independent claim 44 has been added which is the allowable subject matter of 22 incorporated into as previously pending claim 23. Thus, new claim 44 is allowable.

New independent claim 45 has been added which is the allowable subject matter of claim 22 incorporated into the as previously amended claim 39. Thus, new claim 45 is allowable.

New claim 46 depends from claim 45 and recites the allowable subject matters from claims 24 and 40. Thus, new claim 46 is allowable.

#### **Other Amendments**

Claims 6 and 9 have been amended to change their dependency to claim 1, which is allowable. Thus, claims 6 and 9 are also allowable.

Claims 34 and 35 have been amended to change their dependency to claim 24, which is allowable. Thus, claims 34 and 35 are also allowable.

Claims 36-38 have been amended to clarify the language of their preamble.

**Conclusion**

The amendments submitted herein are fully supported by the specification as originally filed and no new matter has been added. Applicant believes that the present application is now in condition for allowance. Reconsideration of the present application and allowance are kindly requested.

The amendments resulted in total of forty-one (41) claims, one (1) more than the maximum previously paid for and total of seven (7) independent claims, four (4) more than the maximum previously paid for. The Commissioner is hereby authorized to charge appropriate fees to Duane Morris deposit account No. 04-1679.

Respectfully submitted,

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